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September 13, 2011

Via ECF

Honorable Steven M. Gold
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Yahraes, et al. v. Restaurant Associates Events Corp., et al.*
Case No. CV 10-0935 (SLT) (SMG)**

Dear Judge Gold:

This firm is one of the counsel for Plaintiffs in the above action. I write to address the letter submitted to the Court yesterday by the Amerivents Defendants in which a settlement conference with Your Honor was requested. The Amerivents Defendants' request is premature, will unnecessarily expend the time of the Court and the parties, and should be denied in favor of further discussion among the parties.

The Amerivents Defendants' statement that Plaintiffs "rejected" their settlement proposal is inaccurate, omits important facts and wrongly implies that Plaintiffs were unwilling to engage in further discussions. In Plaintiffs' response to the Amerivents Defendants' settlement proposal, counsel made clear that the Amerivents Defendants' proposal "is a good start, [but] we cannot agree to its terms at this time based on the information we currently have. We are, however, willing to engage in further discussions."

After explaining exactly what information Plaintiffs needed and why Plaintiffs could not agree to the settlement proposal on the terms offered, Plaintiffs' counsel wrote "Please contact us at your convenience if you would like to engage in further discussions concerning a potential resolution to the claims in this action." The Amerivents Defendants did not respond, and to our surprise, contacted Your Honor instead.¹

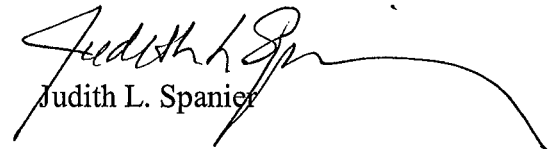
¹ We also are concerned by the specious timing of the Amerivents Defendants' letter to Your Honor. As noted by the Amerivents Defendants, the parties informally stayed depositions until the completion of the U.S. Open. The U.S. Open ended yesterday, just hours after the Amerivents Defendants sent their letter. To the extent the Amerivents Defendants intend to delay discovery in this action further, Plaintiffs object and intend to complete party depositions by December 1, 2011 in accordance with the Court-ordered schedule. See May 23, 2011 Minute Order.

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Plaintiffs respectfully submit that a settlement conference with the Court would be unproductive at this time. Plaintiffs have requested additional information that has not been provided, and have also informed the Amerivents Defendants of the exact concerns Plaintiffs have with the Amerivents Defendants' settlement proposal. We are unclear as to why the Amerivents Defendants chose not to respond to our settlement communication, and we believe that further discussions among the parties could, at a minimum, further flesh out the issues surrounding a settlement before expending the Court's time.

Respectfully submitted,


Judith L. Spanier

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